

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:  
NIASPAN ANTITRUST LITIGATION**

**MDL NO. 2460**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**MASTER FILE NO. 13-MD-2460**

**O R D E R**

AND NOW, this 24th day of August, 2017, upon consideration of Plaintiffs' Motion to Compel (Doc. No. 392, filed April 14, 2017), AbbVie Defendants' Response to Plaintiffs' Motion to Compel (Doc. No. 420, filed May 17, 2017), Teva Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion to Compel (Doc. No. 424-3, filed May 18, 2017), for the reasons set forth in the accompanying Memorandum dated August 24, 2017, **IT IS ORDERED** that Plaintiffs' Motion to Compel is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiffs' Motion is **GRANTED** with respect to designated parts of AbbVie privilege log entries 476, 516, and 541, on the ground that such parts of those entries relate to business, not legal, advice and must be disclosed;
2. Plaintiffs' Motion is **DENIED** with respect to AbbVie privilege log entries 427, 434, 581, 595, 596, 612, 624, 635, 2145, 2155, and 4398, on the ground that those entries were properly withheld under the attorney-client privilege;
3. Plaintiffs' Motion is **DENIED** with respect to AbbVie privilege log entries 645, 658, and 1572, on the ground that those entries were properly withheld as attorney work product;
4. Plaintiffs' Motion is **DENIED** with respect to AbbVie privilege log entries 4054 and 4055, on the ground that, under the circumstances presented, AbbVie did not waive any privilege claim by disclosing those entries to consultants and in prior litigation;

5. Plaintiffs' Motion is **DENIED** with respect to Teva privilege log entries 1375, 2547, 2554, 2561, 2563, 2580, 2639, 3115, 3137, 4496, 4606, and 5647, on the ground that those entries were properly withheld under the attorney-client privilege;
6. Plaintiffs' Motion is **DENIED** with respect to Teva privilege log entry 3259, on the ground that the entry was properly withheld under the community-of-interest privilege.

**IT IS FURTHER ORDERED** that, with the guidance provided in the attached Memorandum, the parties shall meet and confer in an effort to resolve all further disputes over documents withheld under the attorney-client and work-product privileges without the need for Court intervention. No further motions or other requests for Court intervention with respect to such issues shall be presented to the Court without first addressing the dispute at one of the regularly scheduled status telephone conferences in the case, or at a telephone conference scheduled for that purpose.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**